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Dated: July 20, 2007

Signature: 
(Lori Sims)

Docket No.: 415072002500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:
Jennie P. MATHER et al.

Application No.: 10/600,802

Confirmation No.: 9712

Filed: June 19, 2003

Art Unit: 1642

For: NOVEL RAAG10 CELL SURFACE TARGET
AND A FAMILY OF ANTIBODIES
RECOGNIZING THAT TARGET

Examiner: M. Davis

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed March 21, 2007 (Paper No. 20070314), for which a response was due on April 21, 2007. Filed herewith is a Petition and fee for a three-month extension of time, thereby extending the deadline for response to July 21, 2007. Accordingly, this response is timely filed.

The Examiner has required restriction between:

Group A. Claims 1-2, 12-15, drawn to an antibody to RAAG10, classified in class 530, subclass 387.1.

Group B. Claims 3-11, drawn to a nucleic acid encoding an antibody to RAAG10, classified in class 536, subclass 23.1.

Group C. Claims 16-21, drawn to a method for treating cancer, using an anti-RAAG10 antibody, classified in class 424, subclass 1301. A method for treating each of the cancer cited in claim 16 constitutes a single, distinct invention.

Group D. Claim 22, drawn to a method for detecting cancer, using an anti-RAAG10 antibody, classified in class 435, subclass 7.1. A method for detecting each of the cancer cited in claim 22 constitutes a single, distinct invention.

Group E. Claims 23-24, drawn to an agent that blocks the interactions between RAAG10 and RAAG10 binding partner, classified in class 435, subclass 7.1.

Restriction to one of the following species has also been required:

Claims 1-2, 12-15 for Group A and claims 3-11 of Group B are generic to the following species: Any one of the cancers cited in claim 2.

Claims 1-24 of groups A-E are directed to the following patentably distinct species: An antibody binding to the epitope A, B, or C, produced by a hybridoma having a deposit number of ATCC No. PTA-4217, PTA-4218, (PTA-4244, or PTA-4245), as disclosed in the specification on pages 5 and 62.

Applicants hereby elect Group A (claims 1-2 and 12-15), without traverse, for continued examination. Applicants further elect lung cancer (claims 1-2 and 12-15) and an antibody binding to the epitope B produced by a hybridoma having a deposit number of ATCC No. PTA-4217 (claims 1-2 and 12-15) as species election.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application. Applicants note that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim. Applicants request that upon the allowance of a generic claim, the remainder of the species be included as permitted by 37 C.F.R. §1.141(a).

Applicants expressly reserve the right to request for rejoinder of presently excluded process claims to the extent that they incorporate all the limitations of a product claim when the product claim is found allowable.

Applicants request examination of the elected subject matter on the merits.

CONCLUSION

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 415072002500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 20, 2007

Respectfully submitted,

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